

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARL DEAN MCKINNEY,

Defendant.

Case No. CR15-113-RSL

ORDER GRANTING EARLY
TERMINATION OF
SUPERVISED RELEASE

This matter comes before the Court on defendant Earl Dean McKinney's "Motion for Early Termination of Supervised Release" (Dkt. # 7). Having reviewed the submissions of the parties and the remainder of the record, the Court finds as follows:

On July 24, 2008, defendant pleaded guilty to receipt or distribution of material involving the sexual exploitation of minors, in violation of 18 U.S.C. § 2252(a)(2). Dkt. # 3 at 20-31. On October 14, 2008, the United States District Court for the Eastern District of California sentenced defendant to 97 months of imprisonment and fifteen years of supervised release. Id. at 32-38. This Court accepted jurisdiction over defendant on April 21, 2015. Dkt. # 1. Defendant's term of supervised release commenced on July 31, 2015. Id.

Defendant moves the Court to terminate his term of supervised release. See generally Dkt. # 7. The government did not file an opposition to this request. Probation does not support early termination due of the nature of the underlying offense as a matter of policy.

The Court may "after considering the factors set forth in [18 U.S.C. § 3553(a)] . . . terminate a term of supervised release and discharge the defendant released at any time after the

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1 expiration of one year of supervised release . . . if it is satisfied that such action is warranted by
2 the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e). The
3 Court enjoys “discretion to consider a wide range of circumstances when determining whether
4 to grant early termination.” United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014) (citing
5 United States v. Pregent, 190 F.3d 279, 283 (4th Cir. 1999)).

6 The Court has considered the applicable factors set forth in 18 U.S.C. § 3553(a) and
7 concludes that termination of defendant’s term of supervised release is appropriate. Defendant
8 has served more than seven years of his term of supervised release without any violations and is
9 now on a low level of supervision. He successfully completed a sex offender treatment and
10 therapy program more than five years ago. Further, he has obtained steady employment and a
11 stable home, and volunteers in his community. Termination of defendant’s term of supervised
12 release is therefore warranted by defendant’s conduct and the interest of justice. See 18 U.S.C.
13 § 3583(e)(1).

14 For all of the foregoing reasons, IT IS HEREBY ORDERED that defendant’s motion for
15 early termination of supervised release (Dkt. # 7) is GRANTED. This Order ends defendant’s
16 obligation to report to U.S. Probation and Pretrial Services and to comply with court-ordered
17 conditions of supervised release but does not restore defendant’s civil rights or release him from
18 the obligation to register as a sex offender as required by federal, state, and/or local law.

19 DATED this 3rd day of October, 2022.

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22 Robert S. Lasnik
23 United States District Judge
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